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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/763,719	
	Filing Date	January 23, 2004	
	First Named Inventor	Thomas Zdeblick et al.	
	Art Unit	3738	
	Examiner Name	Alvin J. Stewart	
Total Number of Pages in This Submission	17	Attorney Docket Number	4002-3456/PC261.12

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Brad A. Schepers, Reg. No. 45,431 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	February 8, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Alvin J. Stewart
)	
Application Serial No. 10/763,719)	Group Art Unit 3738
)	
Filed January 23, 2004)	Ref. No. PC261.21/
)	4002-3456
)	
METHODS AND INSTRUMENTS)	February 8, 2005
FOR INTERBODY FUSION)	

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated December 8, 2004, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 23-3030, but not to include any payment of issue fees.

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Date of Deposit

Brad A. Schepers

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February 8, 2005

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INTRODUCTORY COMMENTS

Claims 15-23, 39-55 and 63-71 were pending in the subject application for the final Office Action dated December 8, 2004.

Claims 53 and 63 have been amended in response to the final Office Action and a new dependent claim 72 has been added. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.